

FCC Original

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN THE MATTER OF:

) MM DOCKET NO.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

AMENDMENT OF SECTION 73.202(B),) RM
TABLE OF ALLOTMENTS,)
FM BROADCAST STATIONS.)
(TWO RIVERS, WISCONSIN)

DOCKET FILE COPY ORIGINAL

TO: CHIEF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,
MASS MEDIA BUREAU

DOCKET FILE COPY ORIGINAL

PETITION FOR RULE MAKING

Lyle Robert Evans d/b/a High Mark Radio Company
hereby Petitions the Federal Communications Commission in
Washington, D.C., to amend Table of FM Allotments, Section
73.202(b) of the Commission's Rules and Regulations in the
following manner:

<u>Community:</u>	<u>Existing:</u>	<u>Proposed:</u>
Two Rivers, WI	Ch. 272A	Ch. 272A
	-- ----	Ch. 255A

In support of this PETITION FOR RULE MAKING to
allot FM Channel 255A to Two Rivers, Wisconsin, High Mark
Radio Company, the Petitioner, respectfully submits the
Engineering Statement prepared by Lyle Robert Evans,
Technical Consultant, attached hereto as Appendix 1.

Inasmuch as Two Rivers, Wisconsin, residents shall

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be provided a second local FM service, High Mark Radio Company, the Petitioner, concludes its Proposed Rule Making in the Public Interest.

The FM Channel 255A allotment petitioned by High Mark Radio Company shall provide residents of Two Rivers, Wisconsin, and vicinity, an additional outlet for local self expression adding to area program diversity; truly in the public interest, convenience and necessity.

Two Rivers, Wisconsin (population 13,030), in Manitowoc County (population 80,421), per the 1990 Census, is an incorporated city.

The allotment of FM Channel 255A (98.9 MHz.) to the City of Two Rivers, Wisconsin, is full accord with the Commission's Rules and Regulations, and Assignment policy.

If the Commission goes forward to Amend 47 Code of Federal Regulations §73.202(b), to allot FM Channel 255A to Two Rivers, Wisconsin, as Petitioned, High Mark Radio Company shall immediately file an Application For Construction Permit For Commercial Broadcast Station (FCC Form 301), to activate FM Channel 255A, as allotted at Two Rivers.

Upon Commission "Grant" of such a Form 301 Application, High Mark Radio Company shall promptly construct and subsequently license the permitted facility.

In accord with 47 Code of Federal Regulations

\$1.52, I, Lyle Robert Evans d/b/a High Mark Radio Company,
hereby certify I have read this entire document, that to the
best of my knowledge, information and belief it is true and
correct, that there is good ground to support it, and that
it is not interposed for delay.

Respectfully submitted,

HIGH MARK RADIO COMPANY

Janaury 30, 1996

A handwritten signature in cursive script, reading "Lyle R Evans", written over a horizontal line.

Lyle Robert Evans,
Petitioner

Lyle Robert Evans d/b/a
High Mark Radio Company
1296 Marian Lane
Green Bay, Wisconsin 54304
(414) 494-6310

RULE MAKING PETITION; CONCLUDED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

ENGINEERING STATEMENT

IN THE MATTER OF:) MM DOCKET NO:
AMENDMENT OF SECTION 73.202(B),) RM
TABLE OF ALLOTMENTS,)
FM BROADCAST STATIONS,)
(TWO RIVERS, WISCONSIN.)

TO: CHIEF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,
MASS MEDIA BUREAU.

PREPARED FOR:
HIGH MARK RADIO COMPANY
JANUARY 30, 1996

PREPARED BY:
LYLE ROBERT EVANS
TECHNICAL CONSULTANT
PACER TECHNICAL SERVICE, INC.
1750 FREEDOM ROAD
LITTLE CHUTE, WISCONSIN 54140
(414) 687-0722

PETITIONER: High Mark Radio Company
Proposed FM Ch. 255A Allotment
Two Rivers, Wisconsin

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Prepared 01/30/96

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN THE MATTER OF:) MM DOCKET NO:
AMENDMENT OF SECTION 73.202(B),) RM
TABLE OF ALLOTMENTS,)
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(TWO RIVERS, WISCONSIN)
TO: CHIEF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,
MASS MEDIA BUREAU

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned Petition For Rule Making, to which this Statement is Appendix 1.

High Mark Radio Company, the Petitioner, retained the services of Lyle Robert Evans, Technical Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Petition For Rule Making of High Mark Radio Company to amend 47 Code of Federal Regulations §73.202(b), Table of FM Allotments, to allot FM Channel 255A to the City of Two Rivers, Wisconsin, as that community's second FM Broadcast transmission service.

The Two Rivers, Wisconsin, reference Geographic Coordinates, specified in the National Atlas of the United States of America, published by the United States Department of the Interior Geological Survey, are: 44°-09'-06"

TWO RIVERS, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
FM CHANNEL 255A; 98.9 MHZ.
PETITIONER: HIGH MARK RADIO COMPANY

North Latitude, 87°-34'-06" West Longitude.

Attachment E-A to this Engineering Statement, an FM Channel 255A Distance Separation Study, with the City of Two Rivers reference coordinates as base, sets forth all FM Broadcast Station assignments, applications and allotments, relating to an allotment of FM Channel 255A at Two Rivers, with distance in kilometers and bearing in degrees True from the city reference coordinates.

Attachment E-A displays a "Short-Spacing" to licensed FM Broadcast Station WQLH, Green Bay, Wisconsin, operating on Channel 253C1; FCC File Number: BMLH-910422KJ.

To allot FM Channel 255A to Two Rivers, Wisconsin, it is necessary to restrict the allotment location 12.14 kilometers (7.54 miles) distant, at a bearing of 218.24 degrees True from the city reference coordinates, to geographic coordinates 44°-03'-57" North Latitude, 87°-39'-44" West Longitude.

A site restriction East of Two Rivers is not possible due to the proximity of Lake Michigan.

Attachment "E-B" to this Statement, an FM Channel 255A Distance Separation Study with the Two Rivers, Wisconsin, specified restricted allotment coordinates as

TWO RIVERS, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
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PETITIONER: HIGH MARK RADIO COMaANY

base, displays the allotment of FM Channel 255A to Two Rivers, Wisconsin, in complete compliance with all applicable minimum distance separation requirements set forth in 47 Code of Federal Regulations, §73.207.

The most distant point on the Two Rivers, Wisconsin, Corporate Boundary ("City-Limits") from the FM Channel 255A proposed restricted allotment coordinates was located on United States Geological Survey 7.5 Minute Series (Topographic) Map, titled: Two Rivers Quadrangle, Wisconsin-Manitowoc County (dated 1978).

The geographic coordinates of this point determined as: 44°-11'-04" North Latitude, 87°-34'-56" West Longitude, and distance and bearing from the Two Rivers, Wisconsin, Channel 255A restricted allotment coordinates calculated to be 14.65 kilometers (9.10 miles) at 25.91 degrees True.

The F(50,50) 70.0 dBu (3.16 mV/m) predicted "Principal Community Contour" of a typical Class A FM Broadcast Station radiating 6.00 kilowatts from an antenna radiation center height of 100.0 meters extends a distance of 16.5 kilometers (10.25 miles).

Several transmitter sites exist from which the

TWO RIVERS, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
FM CHANNEL 255A; 98.9 MHZ.
PETITIONER: HIGH MARK RADIO COMPANY

requisite "Principal Community" coverage can be provided to
the entire City of Two Rivers, Wisconsin.

CONCLUSION

Allotment of FM Channel 255A to Two Rivers,
Wisconsin, can be accomplished with no channel
substitutions.

No multiple community "tinkering with the table"
is required to allot FM Channel 255A at Two Rivers,
Wisconsin.

High Mark Radio Company's proposed Amendment of
47 Code of Federal Regulations §73.202(b), Table of FM
Allotments, shall provide residents of Two Rivers,
Wisconsin, and vicinity, a second local FM Broadcast
transmission service.

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TWO RIVERS, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
FM CHANNEL 255A; 98.9 MHZ.
PETITIONER: HIGH MARK RADIO COMPANY

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lyle R. Evans", written over a horizontal line.

Lyle Robert Evans
Technical Consultant to:
High Mark Radio Company

Janaury 30, 1996

Lyle Robert Evans
Technical Consultant
Pacer Technical Service, Inc.
1750 Freedom Road
Little Chute, Wisconsin 54140
(414) 687-0722

ENGINEERING STATEMENT; CONCLUDED

ATTACHMENT E-A

Page 1 of 1

CHANNEL 255A DISTANCE SEPARATION STUDY

LOCATION: TWO RIVERS, WISCONSIN
 SERVICE: COMMERCIAL FM
 CHANNEL: 255
 FREQUENCY: 98.9 MHZ.
 ZONE: II
 CLASS: A
 COORDINATES: 44°-09'-06" N.L., 87°-34'-06" W.L. (CITY REFERENCE COORDINATES)
 PETITIONER: HIGH MARK RADIO COMPANY
 DATE: JANUARY 29, 1995

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WYPD CP	GREEN BAY WI	BPED-890303MB	*201C1 88.1	50.00 177.00	44-21-32 87-57-35	304.9	40.48 18.48	22.0 CLEAR
WFEN APP	ROCKFORD WI	BLED-910905KA	*202A 88.3	5.40 99.00	42-21-51 89-08-15	212.7	235.79 225.79	10.0 CLEAR
WFMR LIC	MENOMINEE FALLS WI	BLH-900614KA	252A 98.3	6.00 100.00	43-09-00 88-07-25	201.9	119.94 88.94	31.0 CLEAR
WQLH LIC	GREEN BAY WI	BMLH-9910422KJ	253C1 98.5	100.00 152.00	44-38-41 88-08-13	320.7	71.09 -3.91	75.0 SHORT
WMVM CP	MAYVILLE MB	BPH-901024JZ	254A 98.7	3.00 100.00	43-30-17 88-25-05	223.8	99.19 27.19	72.0 CLEAR
WVCX LIC	TOMAH WI	BLH-880129KE	255C 98.9	100.00 302.00	43-51-13 90-27-28	262.8	234.10 8.10	226.0 CLEAR
WMYX LIC	MILWAUKEE WI	BMLH-860225KC	256B 99.1	50.00 137.00	42-56-44 88-03-39	196.7	139.79 26.79	113.0 CLEAR
WOWN LIC	SHAWANO WI	BLH-930726KZ	257C3 99.3	14.00 134.00	44-45-14 88-20-01	318.1	90.49 48.49	42.0 CLEAR
WPKR LIC	OMRO WI	BMLH-910821KI	258C2 99.5	50.10 128.00	43-50-51 88-51-31	251.9	108.55 53.55	55.0 CLEAR

===== END FM CHANNEL 255A DISTANCE SEPARATION STUDY =====

ENGINEERING STATEMENT, ATTACHMENT E-A; CONCLUDED

ATTACHMENT E-B

Page 1 of 2

CHANNEL 255A DISTANCE SEPARATION STUDY

LOCATION: TWO RIVERS, WISCONSIN
 SERVICE: COMMERCIAL FM
 CHANNEL: 255
 FREQUENCY: 98.9 MHZ.
 ZONE: II
 CLASS: A
 COORDINATES: 44°-03'-57" N.L., 87°-39'-44" W.L. (ALLOTMENT COORDINATES)
 PETITIONER: HIGH MARK RADIO COMPANY
 DATE: JANUARY 29, 1995

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WYPD CP	GREEN BAY WI	BPED-890303MB	*201C1 88.1	50.00 177.00	44-21-32 87-57-35	321.8	41.65 19.56	22.0 CLEAR
WFEN APP	ROCKFORD WI	BLED-910905KA	*202A 88.3	5.40 99.00	42-21-51 89-08-15	223.8	212.38 202.38	10.0 CLEAR
WFMR LIC	MENOMINEE FALLS WI	BLH-900614KA	252A 98.3	6.00 100.00	43-09-00 88-07-25	200.1	108.53 77.53	31.0 CLEAR
WQLH LIC	GREEN BAY WI	BMLH-9910422KJ	253C1 98.5	100.00 152.00	44-38-41 88-08-13	329.8	74.63 -0.37	75.0 SHORT*
WMVM CP	MAYVILLE MB	BPH-901024JZ	254A 98.7	3.00 100.00	43-30-17 88-25-05	224.5	87.11 15.11	72.0 CLEAR
WVCX LIC	TOMAH WI	BLH-880129KE	255C 98.9	100.00 302.00	43-51-13 90-27-28	265.0	225.61 -0.39	226.0 SHORT*
WMYX LIC	MILWAUKEE WI	BMLH-860225KC	256B 99.1	50.00 137.00	42-56-44 88-03-39	194.6	128.57 15.57	113.0 CLEAR
WOWN LIC	SHAWANO WI	BLH-930726KZ	257C3 99.3	14.00 134.00	44-45-14 88-20-01	325.0	93.27 51.27	42.0 CLEAR
WPKR LIC	OMRO WI	BMLH-910821KI	258C2 99.5	50.10 128.00	43-50-51 88-51-31	256.2	99.05 44.05	55.0 CLEAR

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CHANNEL 255A DISTANCE SEPARATION STUDY

LOCATION: TWO RIVERS, WISCONSIN
SERVICE: COMMERCIAL FM
CHANNEL: 255
FREQUENCY: 98.9 MHZ.
ZONE: II
CLASS: A
COORDINATES: 44°-03'-57" N.L., 87°-39'-44" W.L. (ALLOTMENT COORDINATES)
PETITIONER: HIGH MARK RADIO COMPANY
DATE: JANUARY 29, 1995

CALL	CITY		CHAN.	ERP(KW)	LATITUDE	BEAR.	DIST.	REQ.
STATUS	STATE	FCC FILE	FREQ.	EAH(MT)	LONGITUDE	(DEG.)	(KM.)	(KM.)

===== END FM CHANNEL 255A DISTANCE SEPARATION STUDY =====

NOTE: * Indicates "Short-Spacing". Assignments whose indicated separation status is followed an asterisk (*) comply with applicable Commission minimum distance separation requirements for FM assignment, applications and allotments by utilization of "5/4" rounding.

ENGINEERING STATEMENT, ATTACHMENT E-B; CONCLUDED